

Congress of the United States

Washington, DC 20515

2001-014-1082

July 16, 2001

The Honorable Stephen A. Perry
Administrator
General Services Administration
1800 F Street, N.W., Suite 6137
Washington, D.C. 20405

Dear Administrator Perry:


We are writing to express our support for the Federal Acquisition Regulation (FAR) Council's proposed revocation (FAR Case 2001-014) of regulations finalized on December 20, 2000, relating to contractor responsibility.

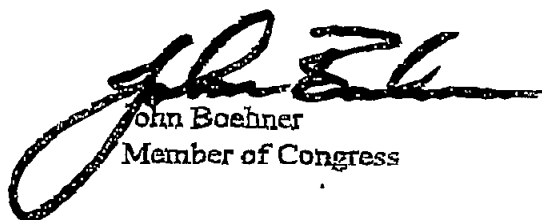
As you know, the new regulation substantially expands the scope of responsibility determinations made by contracting officers before awarding a government contract. The regulation would require contracting officers to consider a prospective contractor's compliance with unrelated laws and regulations. Such an expansion is inappropriate because it makes it more likely that even model prospective contractors will be denied contracts based on inconsistent application of what is essentially a subjective standard without meaningful due process protections. In addition, the expansion applies not only to federal laws and regulations, but to foreign laws and regulations. Contracting officers cannot reasonably be expected to interpret compliance with all of these standards in a consistent manner.

We also oppose the regulation because it circumvented the legislative process by adding a severe new penalty, denial of federal contracts, for violations of various substantive laws. Many of the laws on which a nonresponsibility determination could be based under the new regulation were never designed to be punitive, but remedial. Any change to these remedies must come through the legislative, rather than the regulatory, process.

In light of these concerns and those raised in public comments that have been submitted to the FAR Council in writing and at its public meeting on June 18, 2001, we believe that the only appropriate conclusion is that the regulations be repealed in their entirety. Thank you for your attention to this matter.

Sincerely,

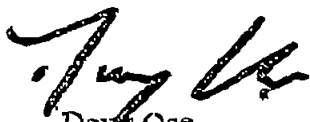

Tom Davis
Member of Congress


John Boehner
Member of Congress

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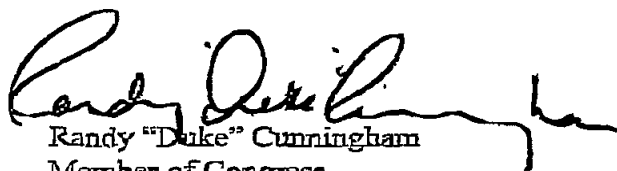
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Doug Ose
Member of Congress



Charlie Norwood
Member of Congress



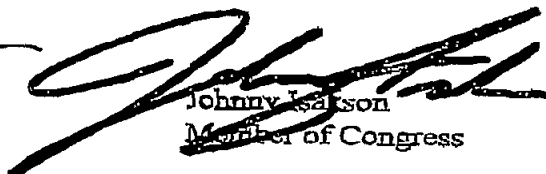
Randy "Duke" Cunningham
Member of Congress



Pete Sessions
Member of Congress



Cass Ballenger
Member of Congress



Johnny Isakson
Member of Congress



Ron Paul
Member of Congress



Van Hilleary
Member of Congress



Marge Roukema
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Sam Johnson
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Tom Tancredo
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